



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. CALIFORNIA STATE  
LIBRARY**

**NOTICE OF INTENTION TO AMEND  
THE CONFLICT OF INTEREST CODE  
OF THE CALIFORNIA STATE LIBRARY**

**OCTOBER 30, 2007**

**NOTICE IS HEREBY GIVEN** that the California State Library intends to ask the Fair Political Practices Commission to amend the State Library's Conflict of Interest Code pursuant to the authority vested in Government Code Section 87302.

In accordance with Government Code Sections 87300–87302 and 87306, the State Library's conflict of interest code designates employees who must disclose certain investments, income, interest in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

This proposed amendment will reflect:

The incorporation of the Office of Library Construction (OLC) as an operating unit under the State Library's Administration, and was renamed the Bond Administration Office (BAO). Since the BAO became an operating unit under Administration, BAO would not be specifically identified under the amendment and designated positions under OLC were deleted as follows. The CEA II, Library Program Administrator, Staff Services Manager I, Senior Architect, Associate Governmental Program Analyst, and Associate Accounting Analyst positions were deleted. The Library Programs Consultant position was moved under Administration.

The Library of California Bureau, and its Library Programs Administrator and Library Programs Consultant positions within, were deleted without replacement.

Three newly designated positions, the Staff Services Manager I position was added under the Library Development Services Bureau; the Associate Governmental Program Analyst position was added under the Califor-

nia Research Bureau; and the CEA I position was replaced by the CEA II position at the State Library Services Bureau.

The disclosure categories under this amendment were left undisturbed.

Pursuant to Title 2, California Code of Regulations, Section 18750, a written comment period has been established commencing on November 9, 2007 and ending on December 24, 2007. Any interested person may submit written statements, arguments, or comments relating to the proposed amendments no later than December 24, 2007, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact person set forth below:

Victor Pong, Filing Officer  
Stanley Mosk Library and Courts Building  
914 Capitol Mall, Room 211  
Sacramento, California 95814

The California State Library has prepared a written explanation of the reasons for the proposed amendments and has available the information upon which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting Victor Pong at the above address. Victor Pong's e-mail address, [vpong@library.ca.gov](mailto:vpong@library.ca.gov), and phone number, (916) 651-0983, are also provided.

The California State Library has determined that no alternative considered by the agency would be more effective in carrying out the proposed changes for which the actions are presented or would be as effective and less burdensome to affected private persons than the proposed action.

**COST TO LOCAL AGENCIES  
AND SCHOOL DISTRICTS**

The California State Library has determined that this proposal imposes:

1. No mandate on local agencies or school districts.
2. Cost or savings to any state agency.
3. No cost on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary cost or savings imposed on local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **December 13, 2007**, at **approximately 10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on December 11, 2007**.

### BACKGROUND/OVERVIEW

The Commission proposes to amend 2 Cal. Code of Regulations Section 18531.61, governing post-election debt. Under Government Code Section 85316(a), a candidate may not continue to raise funds after an election, unless the candidate has debts outstanding from the election. Section 85316(a) states: “(a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.”

Regulation 18531.61 defines “net debts outstanding” from an election. In calculating “net debts outstanding” a committee adds its unpaid debts and obligations, plus the cost of winding down the campaign and fundraising. The committee then subtracts from this figure its funds on hand available to pay the debts, and any credits or amounts owed to the committee. In the net debt calculation, it is implicit that a committee’s “funds on hand” will be used to pay the committee’s outstanding debt. However, the Commission has found that some committees were not terminating on time, or were requesting extensions of time to terminate, on the grounds that they still needed time to raise funds to pay debt. At the same time, however, these committees were using funds on hand to make contributions to candidates and for other purposes, rather than using the funds to pay their outstanding debt. In addition, the Commission has found a need to further define the term “net debts outstanding” to include post-election costs to monitor the counting, or recount, of votes. These costs are directly related to an election and thus should be considered part of the debts for an election.

## REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18531.61. The Commission will consider amending this regulation (1) to specify that a committee may raise funds after the election to pay for the costs of monitoring the count of absentee and provisional ballots or a ballot recount for the election, (2) to provide that a committee shall use funds on hand after the election to pay outstanding debt, and (3) to make other technical and clarifying changes to the language of the regulation.

The Commission will consider adding language to the definition of “net debts outstanding” stating that legal fees and expenses incurred directly in connection with monitoring the count of absentee or provisional ballots or a ballot recount for an election are considered part of “net debts outstanding” from the election. This addition to the regulation would codify current advice in the *Davidian* Advice Letter, No. A-04-061.

The Commission will also consider adding language stating that a candidate who is raising funds after an election under Section 85316(a) must use funds on hand after the election to pay outstanding debts. Regulation 18531.61 already defines “net debts outstanding” following an election to be reduced by a committee’s funds on hand available to pay those debts. The proposed change merely clarifies that where a committee has debt, its funds on hands following the election need to be used to pay the debt as soon as practicable.

### SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its decisions concerning the issues identified above or related issues.

### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulatory action will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulatory action will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulatory action will have no fiscal impact on the federal funding of any state program or entity.

### AUTHORITY

Gov. Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act (Gov. Code Secs. 81000-91014).

## REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Section 85316.

## CONTACT

Any inquiries should be made to Hyla P. Wagner, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov>.

## ADDITIONAL COMMENTS

After the hearing, the Commission may adopt, amend or repeal the regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the regulation before its adoption, amendment, or repeal.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

## CONFLICT-OF-INTEREST CODES

## AMENDMENT

MULTI-COUNTY: Truckee Sanitary District

A written comment period has been established commencing on **November 9, 2007**, and closing on **December 24, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public

hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **December 24, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

## COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

## EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

## AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

## REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act



and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Section 4500 of the regulations in Title 3 of the California Code of Regulations pertaining to the Noxious Weed Species.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before December 24, 2007.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems

necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

Section 4500 designates those weed species that are noxious weed species. Noxious weed species pose a hazard to agriculture and some native plant species in California. The Department proposes to amend Section 4500 to remove the following plants listed as noxious weed species: *Cynodon* spp. & *hybrids* (Bermuda grass); *Gaura coccinea* (scarlet gaura); *Gypsophila paniculata* (baby's breath); *Imperata brevifolia* (satin-tail); *Iris douglasiana* (Douglas iris); *Iris missouriensis* (western blue flag); *Malvella leprosa* (alkali mallow); *Orobanch cooperi* (Cooper's broomrape); and, *Polygonum coccineum* [= *P.amphibium*] (kelp). The proposed action does not differ from any existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 4500 does not impose a mandate on local agencies or school districts. The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

## ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AUTHORITY

The Department amended Section 4500 pursuant to the authority vested by Sections 407 and 5004 of the Food and Agricultural Code of California.

## REFERENCE

The Department amended Section 4500 to implement, interpret and make specific Section 5004, Food and Agricultural Code.

## EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

## CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Elizabeth Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/phpps/Regulations.html](http://www.cdfa.ca.gov/phpps/Regulations.html)).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 5. COMMISSION ON TEACHER CREDENTIALING

### NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE COMMISSION ON TEACHER CREDENTIALING

**NOTICE IS HEREBY GIVEN** that the Commission on Teacher Credentialing, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes to amend its Conflict-of-Interest Code, Title 5, CCR Section 80225. The purpose of the amendment is to implement the requirements of Government Code Sections 87300 through 87302.

The Commission on Teacher Credentialing proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in Government Code, Section 87302(a). This amendment makes other technical changes to reflect the current organizational structure of the Commission on Teacher Credentialing.

**NOTICE OF WRITTEN COMMENT PERIOD**

A written comment period has been established commencing on **November 9, 2007**, and closing on **December 24, 2007**. Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than 15 days prior to the close of the written comment period.

At this time, no public hearing will be held concerning the proposed amendments. If any interested person or that person's representative requests a public hearing, he or she must do so not later than December 7, 2007, by contacting the contact person listed below.

The Commission on Teacher Credentialing has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person listed below.

**AUTHORITY**

Government Code Sections 82011, 87303, and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above Conflict-of-Interest Code shall approve codes as submitted, revise the proposed code, and approve it as revised, or return the proposed code for revision and resubmission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate Conflict-of-Interest Codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

All inquiries concerning the proposed amendments and any communication required by this notice should be directed to Heidi Brida, Commission on Teacher Credentialing, Office of Human Resources, 1900 Capitol Avenue, Sacramento, CA 95811-4213, telephone (916) 322-6199.

**TITLE 10. CALIFORNIA DEPARTMENT  
OF REAL ESTATE**

**NOTICE OF PROPOSED CHANGES IN  
THE REGULATIONS OF THE REAL  
ESTATE COMMISSIONER**

Jeff Davi, Real Estate Commissioner, proposes to adopt, amend and/or repeal the proposed regulations described below in Title 10, California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The Commissioner proposes to adopt, amend and/or repeal Sections 2790.8 and 2790.9 in Title 10 of the California Code of Regulations (CCR).

**PUBLIC COMMENTS**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Government Code Section 11346.8(a). The request for a hearing must be received by the Department's contact person designated below no later than 15 days prior to the close of the written comment period.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner. The written comment period closes on December 24, 2007. All written comments must be received by 5:00 p.m. on that date at the Department's Sacramento Office as follows:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P.O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

Comments may be sent via electronic mail to [regulations@dre.ca.gov](mailto:regulations@dre.ca.gov) or via fax to David B. Seals at (916) 227-9458.

**AUTHORITY AND REFERENCE**

The changes to the regulations are authorized by Business and Professions Code Section 11001 to implement, interpret or make specific Business and Professions Code Sections 10050 and 11010.



INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

SUMMARY OF EXISTING LAWS  
AND REGULATIONS

California Business & Professions Code (the Code) § 10050 states that “It shall be the principal responsibility of the commissioner to enforce all laws in this part (commencing with § 10000) and Chapter 1 (commencing with § 11000) of Part 2 of this division in a manner which achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees.”

In 1984 *Easton v. Strassburger* (1984) 152 C.A.3d 90 created the duty of a real estate broker representing a seller “. . .to conduct a reasonably competent and diligent inspection of property he has listed for sale in order to discover defects for the benefit of the buyer.”

In 1985, as a response to *Easton*, the California Legislature added § 2079 et seq. to the Civil Code to make precise the duties, standards, and exceptions in discovering and disclosing defects in residential real property to buyers. Also enacted in 1985 was new Civil Code § 1102 et seq., which requires transferors of real property and their brokers to make detailed written disclosures to prospective purchasers.

Transfers of real property under the Subdivided Lands Law (Code § 11000 et seq.) which required a public report under Code § 11018.1 or which could be made without a public report under Code § 11010.4 were expressly exempted from the requirements of Civil Code § 1102.

As a practical matter, there is little or no difference between a residence sold as a “resale” by an owner-occupant and a residence sold by a non-owner-occupant subdivider. In both cases, the “existing” properties are not “new construction”. In a sale by the owner-occupant, the transfer disclosure statement required by Civil Code § 1102 is completed and delivered by the owner who has lived in the property and presumably has knowledge of any defects or adverse conditions which would be material to the buyer’s decision to purchase. In a sale of an “existing subdivision interest” (defined as a subdivision interest described in Code § 11104.5 where the dwelling comprising the subdivision interest has been completed or occupied three years or more before the date the public report application was filed with the Department of Real Estate) by a subdivider, the seller usually has not lived in the property and may have no information concerning any defects or adverse conditions which would be material to the buyer’s decision to purchase. However, based on inspections performed and information disclosed by prior occupants, the seller could be privy to information which would be material.

Under current law, the subdivider/seller is not required to give a transfer disclosure statement to the buyer.

SUMMARY OF THE EFFECT OF  
THE PROPOSED ACTION

ADOPTION OF SECTION 2790.8

Would require that an applicant for a public report for the sale or lease of an existing subdivision interest, as defined, include an Existing Subdivision Interest Disclosure Statement, as defined in Section 2790.9, with the public report application and shall deliver such Statement to each buyer as soon as practicable and before the transfer of title.

ADOPTION OF SECTION 2790.9

Would specify the form and content of the Existing Subdivision Interest Disclosure Statement required by Section 2790.8.

EFFECT ON SMALL BUSINESS

The proposed regulatory changes may affect small business.

DISCLOSURES REGARDING  
THE PROPOSED ACTION

1. Plain English drafting: The Commissioner has confirmed that these regulations have been drafted in plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

2. Mandate on local agencies and school districts: None.

3. Cost or savings to any state agency: None.

4. Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.

5. Other non-discretionary cost or savings imposed upon local agencies: None.

6. Cost or savings in federal funding to the state: None.

7. The Department is aware that there may be cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, such cost impact will not be significant.

8. The Commissioner has made an initial determination that the adoption, amendment or repeal of these regulations will not have a significant statewide adverse economic impact directly affecting business, including

the ability of California businesses to compete with businesses in other states.

9. Impact on jobs and business expansion, elimination or creation: The Commissioner has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs within the State of California nor will it significantly affect the creation of new businesses, the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

10. Significant effect on housing costs: None.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commissioner must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

### CONTACT PERSON

Inquiries concerning the proposed action may be directed to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187007  
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

The backup contact person is:

John VanDriel, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187007  
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

The name of the person who can respond to questions concerning the substance of the proposed regulatory action is:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187007  
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187007  
Sacramento, CA 95818-7007

Telephone: (916) 227-0789

### AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INTERNET SITE

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The final statement of reasons once it is prepared pursuant to Section 11346.9 of the Government Code will also be a part of the rulemaking file and available for inspection and copying as indicated above. Portions of the rulemaking file and information regarding the Department are available through our website ([www.dre.ca.gov](http://www.dre.ca.gov)). The express terms of the proposed action written in plain English are available from the agency contact person named in this notice. Copies may be obtained by contacting David B. Seals at the address and phone number listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Real Estate Commissioner may, on his own motion or at the recommendation of any interested person made by written or oral comment, modify the Proposed Regulation and adopt the Regulation Change as modified if the change is determined to be one that the public could have reasonably anticipated from this Notice, the Informative Digest, and the Initial Statement of Reasons.

If the Commissioner decides to modify the Proposed Regulation change, the Department will make copies of

the full text of the regulation, as originally proposed with the proposed modifications clearly indicated, available for not less than 15 days prior to adopting the modified regulation. Copies of the modified regulation will be mailed to all persons who have made written or oral comments concerning the Proposed Regulation and all persons who have requested notification of availability of the modifications.

Requests for modified regulations or other communications concerning the Proposed Regulation change should be addressed to the Department's contact person, David B. Seals, at the address and/or telephone number above.

#### COMPLIANCE WITH GOVERNMENT CODE §11346.4(A)(1) THROUGH (4)

The Department of Real Estate (the Department) has complied with Government Code §11346.4(a)(1) through (4) and Section 86, Title 10 of the California Code of Regulations, by mailing or delivering a copy of this Notice of Proposed Changes in the Regulations of the Real Estate Commissioner and of the Proposed Regulations with changes indicated in ~~strikeout~~ and underline to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be, or have been in the past, affected by our Proposed Regulation change. The Department has no way of knowing which are small businesses.
4. The California Association of Realtors, a real estate licensee trade organization and the California Building Industry Association, a homebuilders trade organization.
5. A substantial number of land developers. Not small businesses by definition, but some of which may be, or have been in the past, affected by our Proposed Regulations.

#### TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board for Barbering and Cosmetology (hereinafter referred to as "the Board") is proposing to take the action described in

the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2420 Del Paso Rd., Sequoia Room, Sacramento, California 95834, from 1:00 p.m. to 2:00 p.m. on January 7, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on January 7, 2008, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 7403.2 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law directs the Board to adopt rules governing sanitary conditions necessary to protect the public health and safety in establishments, schools approved by the Board, and in the practice of any profession provided for in Chapter 10 of Division 3 of the Business and Professions Code. Additionally, current law allows the Board to issue citations and fines, as well as suspend the license of licensees not in compliance with the Board's regulations. However, the Board may not suspend a license without first holding a hearing.

At the direction of the Governor, a working group was created to collaborate on how to improve the safety of pedicure equipment and ensure appropriate consumer protection. The working group's recommendations are currently in the APA process of being adopted into regulations. Recent legislation (AB 409 Yee, Chapter 381, St. 2006) enacted with an urgency clause provides language for serious actions toward licensees and establishment owners that do not abide by health and safety laws relating to foot spa safety and other health and safety laws. AB 409 also authorizes the Board to issue disciplinary suspensions, place licensees on probation,

require the licensee to meet terms and conditions while on probation, and have the ability to reinstate licenses if terms have been met.

By adopting the proposed regulations, the Board will be able to meet the statutory mandates of AB 409 and can implement its authority for disciplinary suspensions, immediate stays of suspensions and also establish the terms and conditions for probation and reinstatements of licenses. The Board believes that the terms and conditions of these regulations act as a deterrent to ignoring health and safety laws, thus providing consumers with increased protection while enjoying salon services.

#### FISCAL IMPACT ESTIMATES

##### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

None

##### **Nondiscretionary Costs/Savings to Local Agencies:**

None

##### **Local Mandate:**

None

##### **Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:**

None

##### **Business Impact:**

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

##### **Impact on Jobs/New Businesses:**

The Board of Barbering and Cosmetology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

##### **Cost Impact on Representative Private Person or Business:**

Recent legislation allows for establishment owner(s) to be subject to pay all costs of any re-inspections associated with the suspension of his/her license. The Board of Barbering and Cosmetology estimates about 180 license suspensions each year. The cost of a re-inspection is \$105, which equals approximately 3 hours of time for an inspector. Additional costs will vary, based on the nature of the violations. This regulation will impact both individuals and establishments. Suspended establishments and licensees may continue to

operate under probationary status, but will incur the cost of citations and fines as well as the cost for the Board to do any additional inspections of an establishment during their probationary period.

##### **Effect on Housing Costs:**

None

#### EFFECT ON SMALL BUSINESS

The Board of Barbering and Cosmetology has determined that the proposed regulations may affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

Per Government Code section 11346.5(a)(13):

“The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.”

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the public regulatory hearing noted above.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Barbering and Cosmetology at 2420 Del Paso Road, Suite 100, Sacramento, California 95834.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.



CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: April Oakley  
Address: 2420 Del Paso Road, Suite 100  
Sacramento, California 95834  
Telephone No.: (916) 575-7102  
Fax No.: (916) 575-7281  
E-Mail Address: April\_Oakley@dca.ca.gov

The backup contact person is:

Name: Stacy Meza  
Address: 2420 Del Paso Road, Suite 100  
Sacramento, California 95834  
Telephone No.: (916) 575-7108  
Fax No.: (916) 575-7281  
E-Mail Address: Stacy\_Meza@dca.ca.gov

**Web site Access:**

Materials regarding this proposal can be found at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov).

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES  
November 9, 2007**

**EXTENSION OF THE PUBLIC COMMENT  
PERIOD FOR CHEMICALS SUBMITTED TO  
THE DEVELOPMENTAL AND  
REPRODUCTIVE TOXICANT  
IDENTIFICATION COMMITTEE  
FOR CONSULTATION**

On September 7, 2007 the Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the California Regulatory Notice Register (Register No. 2007, 36-Z) announcing the chemicals, *bisphenol A*, *bromodichloromethane*, *caffeine*, *chlorpyrifos*, *chromium (hexavalent)*, *DDE*, *methylisocyanate*, and *sulfur dioxide*, that OEHHA will discuss with the Developmental and Reproductive Toxicant Identification Committee (DARTIC) at its meeting on Monday, December 10, 2007 for possible future preparation of hazard identification materials.

OEHHA received a request to extend the original comment period to allow for the submittal of more complete and relevant information. OEHHA hereby extends the public comment period to **5 p.m., Tuesday, November 27, 2007**. For comments submitted after the original close of the comment period, which was November 6, 2007, it is requested, but not required, that 11 copies be provided to facilitate distribution to the DARTIC in a timely manner.

Interested parties should keep in mind that the committee will not be making listing decisions at this meeting. OEHHA will be asking their advice concerning which chemicals warrant the preparation of hazard identification materials. Please submit comments relevant to that issue. An additional opportunity for the public to comment will be provided as chemicals are proposed for listing.

All comments, along with any supporting documentation, may be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street, MS-19B  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900  
via email: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov)

Comments may also be delivered in person or by courier to the above address. In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Tuesday, November 27, 2007.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY OFFICE OF  
ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES  
November 9, 2007**



**NOVEMBER 19, 2007 MEETING OF THE  
SCIENCE ADVISORY BOARD'S  
CARCINOGEN IDENTIFICATION  
COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Monday, November 19, 2007** at the California Environmental Protection Agency Headquarters Building, **Coastal Hearing Room**, at 1001 I Street, Sacramento, California, beginning at 10:00 a.m. and continuing until all business has been conducted, or 5:00 p.m. [PLEASE NOTE THAT THE ROOM LOCATION HAS BEEN CHANGED SINCE THE MEETING WAS ORIGINALLY ANNOUNCED.] If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) by November 14, 2007. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is as follows. It should be noted that the order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair. For planning purposes, please contact Cynthia Oshita at (916) 445-6900 or [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) by November 14, 2007, if you wish to address a particular agenda item.

Information and materials related to the meeting are posted on the OEHHA web site at <http://www.oehha.ca.gov/prop65.html>. Please check this site periodically for updates.

**I. WELCOME AND OPENING REMARKS**

**II. PRIORITIZATION OF CHEMICALS FOR  
CARCINOGEN IDENTIFICATION  
COMMITTEE REVIEW:**

**A. PROCESS OVERVIEW AND  
APPLICATION OF EPIDEMIOLOGY  
DATA SCREEN**

- Staff presentation

**B. RESULTS OF THE EPIDEMIOLOGY  
DATA SCREEN**

1. *N,N*-Dimethylformamide
  - Staff presentation
  - Committee discussion
  - Public comments
  - Committee discussion and advice and consultation regarding possible development of hazard identification materials
2. Marijuana smoke
  - Staff presentation
  - Committee discussion
  - Public comments
  - Committee discussion and advice and consultation regarding possible development of hazard identification materials
3. 2,4,6-Trinitrotoluene (TNT)
  - Staff presentation
  - Committee discussion
  - Public comments
  - Committee discussion and advice and consultation regarding possible development of hazard identification materials
4. Other Chemicals Proposed for Committee Consideration
  - Committee input and discussion
  - Public input and comments
  - Committee discussion and advice and consultation regarding possible development of hazard identification materials

**III. DISCUSSION OF NEXT PRIORITIZATION  
DATA SCREEN**

- Staff presentation
- Committee discussion
- Public comments
- Committee discussion and advice regarding next prioritization data screen

**IV. STAFF UPDATES**

**V. SUMMARY OF COMMITTEE ADVICE AND  
CONSULTATION**

# RULEMAKING PETITION DECISIONS

## BOARD OF PAROLE HEARINGS

### NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

**California Code of Regulations (CCR)  
Title 15, Crime Prevention and Corrections  
Division 2, Board of Parole Hearings  
(Formerly Board of Prison Terms)**

#### Petitioner:

**Michael Jackson** (D-36360), **Warren Bailey** (B-68278), **B. Louis Booker** (C-20649), **Craig Bowers** (D-56199), **David Dugan** (D-46449), **Paul Guilford** (C-30823), **Kevin O'Neil Howard** (E-60941), **Michael Hughley** (D-90689), **Chandra Kishor** (P-67145), **Ignacio Pena** (D-17862), **George Rounds, Jr.** (C-61366), **Lynnard Smith** (D-89280), and **Clifton Williams, Sr.** (D-34287) each petition to amend title 15 CCR §§ 2256, 2030 and 2252, submitted under Government Code section 11340.6 to the Board of Prison Terms (Board). This response will be published in the California Regulatory Notice Register on **November 9, 2007**.

#### Authority:

Government Code § 12838.4 vests the Board with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the former Board of Prison Terms and Narcotic Addict Evaluation Authority.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

#### Contact Person:

Please direct any inquiries regarding this action to Marc Remis, Senior Staff Counsel, Board of Parole Hearings, by mail at P.O. Box 4036, Sacramento, CA 95812-4036.

#### Availability of Petition:

The petition for amendment of the regulations is available upon request directed to the Board's contact person.

#### Summary of Petition:

##### **1. Petitioners request that the Board amend title 15 CCR §2252:**

Petitioners argue a designated California Department of Corrections and Rehabilitation representative should be required to attend all life prisoner progress hearings to ensure corrections to the record be made and to "insure that all facts relevant to the decision be presented and to resolve any disputed facts," which would provide a "meaningful legal document" for courts to review.

**The Board denies the Petitioners' recommendation to amend § 2252 since the current regulations provides for a Hearing Representative at most types of hearings to address questions concerning missing records, and at progress hearings, staff are available and can be promptly summoned to resolve any questions. The prisoner or their attorney also has a right to present evidence at the hearing. Existing regulations are already consistent with due process and applicable statutes.**

##### **2. Petitioners request that the Board amend title 15 CCR §2030:**

The petitioners object to the lack of language in this section that guarantees the right that a district attorney be present at every parole hearing. Petitioners assert that the provisions in Penal Code § 3041.7 for counsel to be present only applies to hearings for the purpose of setting, postponing, or rescinding a parole release date. No mention in statute is made of a right for the district attorney to participate in hearings reviewing a prisoner's parole suitability. "To permit the district attorney to comment on a hearing to review a prisoner's suitability for parole is fundamentally unfair. It would, in fact, be putting the prisoner on trial again." Current regulations expand the rights of prosecutors to submit new information or any information not available during or at the prisoner's trial, and to submit information regarding facts not found by a jury or pled or proved.

**The Board denies the Petitioners' recommendation to amend § 2030 since a District Attorney represents California community's interests in public safety which must be considered in hearings that could set, postpone or rescind a parole date. Existing regulations are already consistent with due process and applicable statutes.**

##### **3. Petitioners request that the Board amend title 15 CCR § 2256:**

Petitioners state the current regulation governing state-appointed attorneys for indigent inmates interferes with the attorney-client relationship, stating it does not protect the confidentiality of the relationship. The Board-maintained attorney list, with the Board's ability to remove attorneys from the list, creates the "ap-

pearance of impropriety.” The nature of the relationship between the state and the attorney has not been disclosed since the signed Attorney Packets are not provided to the inmates. Petitioners argue that there is an inherent conflict of interest for the state-appointed attorney that exists between the state and the inmate due to the attorneys’ obligations to both parties. Petitioners also contend that attorneys may have a financial incentive to favor one inmate over another if they have been privately paid.

**The Board denies the Petitioners’ recommendation to amend § 2256 and remove Board oversight over its list of attorneys who agree to minimum standards and procedures for accepting these cases, since it would impermissibly interfere with the Board’s duty to maintain order and fairness at life prisoner hearings. Existing regulations are already consistent with due process and applicable statutes.**

**Board Decision**

The petition is therefore DENIED.

/s/  
JOHN MONDAY  
Executive Director  
Board of Parole Hearings

cc: Petitioners  
Undersecretary  
File

Enclosures

**BOARD OF PAROLE HEARINGS**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

**California Code of Regulations (CCR)  
Title 15, Crime Prevention and Corrections  
Division 2, Board of Parole Hearings  
(Formerly Board of Prison Terms)**

**Petitioner:**

Stephen Menchaca (J-26976) petition to amend title 15 CCR §§ 2281(c), 2402(c) submitted under Penal Code 5076.2 to the Board of Parole Hearings (Board). This response will be published in the California Regulatory Notice Register on November 9, 2007.

**Authority:**

Government Code § 12838.4 vests the Board with all the powers, duties, responsibilities, obligations, liabilities,

and jurisdiction of the former Board of Prison Terms and Narcotic Addict Evaluation Authority.

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public a compendium of its rules and regulations.

**Contact Person:**

Please direct any inquiries regarding this action to Jerome A. Hessick, Staff Counsel, Board of Parole Hearings, by mail at P.O. Box 4036, Sacramento, CA 95812-4036.

**Availability of Petition:**

The petition for amendment of the regulations is available upon request directed to the Board’s contact person.

**Summary of Petition:**

**Summary of four petitions each requesting that a different portion of Title 15, California Code of Regulations, § 2281(c) and/or § 2402(c), both entitled *Determination of Suitability*, should either be amended or repealed; all submitted by Stephen Menchaca.**

**A. Petitioner requests that the Board amend title 15 CCR § 2281(c)(5) and § 2402(c)(5), *Determination of Suitability* because, Petitioner contends, the use of an inmate’s history of mental problems is improper.**

Petitioner states the Department’s use of a prisoner’s “lengthy history of severe mental problems related to the offense” to determine their suitability for parole is improper because it amounts to discrimination on the basis of a mental disability in violation of the American with Disabilities Act (ADA).

The Department responds that it properly considers a prisoner’s history of mental illness to determine whether a prisoner is suitable for parole.

**B. Petitioner requests that the Board amend title 15 CCR § 2402(c)(1). “Commitment Offense. The prisoner committed the offense in an especially heinous, atrocious or cruel manner.”**

Petitioner recommends adding a subsection expressly making § 2402(c)(1) inapplicable to attempted murder because, he claims, there is no justification for exceeding the base term for the crime of attempted murder. Petitioner further states that a parole denial relying on § 2402(c)(1), as it pertains to attempted murder with willful deliberation and premeditation, is without proper authority.

The Department responds that it can properly apply Section 2402(c)(1) to crimes of attempted murder.

**C. Petitioner requests that the Board amend title 15 CCR §§ 2281(c)(1)(E) and 2402(c)(1)(E). Circumstances Tending to Show Unsuitability, the motive for the crime is inexplicable or very trivial in relation to the offense.**

Petitioner states “a finding that the motive of a given murder, or attempted murder, is ‘inexplicable’ does not exceed a finding that the killing shows ‘an abandoned and malignant heart’ and therefore only demonstrates implied malice.” Petitioner urges the repeal of 2402(e)(1)(E) to the extent it is inapplicable to any crime of malice, such as murder or attempted murder.

The Department responds it is not required to determine whether or not the inmate’s crime (murder, attempted murder or otherwise) was committed with malice.

Petitioner states § 2281(c)(1)(E) should include a special provision to exclude kidnapping from the code section because malice is not “an essential element of kidnap.”

The Department responds it is an issue for a trial court to decide whether or not a criminal defendant satisfies the elements of a crime. It is the Department’s duty only to look at the circumstances of the crime in order to make a judgment as to the inmate’s suitability for parole.

Petitioner requests that the Board repeal title 15 CCR § 2281(c)(1)(A) and § 2402(c)(1)(A) as inconsistent with changes to Judicial Council Rules.

Petitioner states §§ 2281(c)(1)(A) and 2402(c)(1)(A) do not comply with Judicial Council Rules since “the Judicial Council deleted its circumstance which pertained to multiple victims” the Board should do the same because “the Board’s members are from the same lay class of persons from whom juries are drawn and prone to the same errors which required the change by the Judicial Council.”

The Department responds it is not required to change the above referenced sections to comply with changes made to Judicial Council rules. The Department is authorized to consider whether “multiple victims were attacked, injured or killed” in making its suitability determination.

The petition is therefore DENIED.

/s/  
JOHN MONDAY  
Executive Director  
Board of Parole Hearings

cc: Petitioner (Inmate Menchaca (J-26976))  
KW Prunty, Undersecretary  
John Monday, Executive Officer Board of Parol  
Hearings  
File  
Enclosures

## OAL REGULATORY DETERMINATIONS

### DEPARTMENT OF CORRECTIONS AND REHABILITATION

#### OFFICE OF ADMINISTRATIVE LAW

#### ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the  
California Code of Regulations)

#### Agency being challenged:

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Peggy Gibson, Counsel  
Office of Administrative Law  
300 Capitol Mall, Ste. 1250  
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

#### Petitioner:

Robert K. Walters, E-01047  
Pelican Bay State Prison  
P.O. BOX 7500  
Crescent City, CA 95531-7500

#### Agency contact:

Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001



PETITION TO THE OFFICE OF  
ADMINISTRATIVE LAW

**RE:** Alleged Underground Regulation

**FROM:** Robert Kelly Walters (Petitioner)

**DATE:** 9-15-07

Use of this form is optional. It requests the information required by California Code of Regulations, title 1, section 260, for a petition challenging an alleged underground regulation. Although you are not required to use this specific form, the mandatory information required by California Code of Regulations, title 1, section 260, including the supporting documentation, must be included in your petition. If you create a separate petition, or if you use this form and need to add extra pages, be sure that each page is labeled clearly.

1. Identifying information:

Your name: Robert Kelly Walters

Your address: CDCR I.D. No. E-01047, Pelican Bay State Prison, P.O. Box 7500, Crescent City, CA. 95531-7500

Your telephone number (if you have one): N/A

Your email (if you have one): N/A

2. State agency or department being challenged:

California Department of Corrections and Rehabilitation

3. Provide a complete description of the purported underground regulation. Attach a written copy of it. If the purported underground regulation is found in an agency manual, identify the specific provision of the manual alleged to comprise the underground regulation. Please be as precise as possible.

Please see attached page No. 2A

4. Provide a description of the agency actions you believe demonstrate that it has issued, used, enforced, or attempted to enforce the purported underground regulation.

Please see attached pages No. 2A and 2B

5. State the legal basis for believing that the guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule or procedure is a regulation as defined in Section 11342.600 of the Government Code AND that no express statutory exemption to the requirements of the APA is applicable.

Please see attached pages No. 2B-2D.

6. Provide information demonstrating that the petition raises an issue of considerable public importance requiring prompt resolution.

Please see attached page No. 2D

7. (Optional) Please attach any additional relevant information that will assist OAL in evaluating your petition.

Please see attached Exhibits A & B.

8. Certifications:

I certify that I have submitted a copy of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation:

Name of person in agency to whom petition was sent:

Please see attached Proof of Service

Agency: Please see attached Proof of Service

Address: Please see attached Proof of Service

Telephone number: N/A (Unknown to Petitioner)

I certify that all of the above information is true and correct to the best of my knowledge.

/s/

Robert Kelly Walters

Signature of Petitioner

9-15-07

Date



PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

ATTACHMENT TO PAGE 1, NO. 3:

A COMPLETE DESCRIPTION OF THE PURPORTED UNDERGROUND RULE IS AS FOLLOWS:

1. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) MEMORANDUM DATED AUGUST 26, 2002, ADDRESSED TO: CDCR WARDENS, CLASSIFICATION AND PAROLE REPRESENTATIVES, CLASSIFICATION STAFF REPRESENTATIVES, AND CORRECTIONAL COUNSELOR III / RECEPTION CENTERS, SUBJECT: INDETERMINATE SECURITY HOUSING UNIT STATUS FOR DISRUPTIVE INMATES, AUTHORED BY W.A. DUNCAN, DEPUTY DIRECTOR, INSTITUTIONS DIVISION. (PLEASE SEE EXHIBIT 'A', COPY OF MEMORANDUM, ATTACHED AND INCORPORATED BY REFERENCE HEREIN.) (HEREAFTER "THE MEMORANDUM.")

2. PETITIONER ALLEGES ON INFORMATION AND BELIEF, THE MEMORANDUM DESCRIBED IN ABOVE PARAGRAPH NO. 1 IS NOT FOUND IN A CDCR MANUAL. PETITIONER HAS ATTEMPTED TO DISCOVER THIS INFORMATION WHICH HAS BEEN TO NO AVAIL.

ATTACHMENT TO PAGE 1, NO. 4:

3. ON AUGUST 26, 2002, W.A. DUNCAN, DEPUTY DIRECTOR, INSTITUTIONS DIVISION, CDCR, (HEREAFTER "MR. DUNCAN"), ISSUED THE MEMORANDUM ON BEHALF OF THE CDCR. THOUGH THE MEMORANDUM WAS DIRECTED TO CDCR EMPLOYEES FROM HIGHER RANKING CDCR EMPLOYEES, THE MEMORANDUM DIRECTLY AFFECTS AND IMPACTS CDCR INMATES. THE MEMORANDUM IS NOT LIMITED TO THE CDCR INTERNAL MANAGEMENT.

4. THE MEMORANDUM ALLOWS FOR CDCR EMPLOYEES (CLASSIFICATION STAFF) TO ENFORCE AN INDETERMINATE SHU STATUS (DURING THE PRE-MINIMUM ELIGIBLE RELEASE DATE (MYERD)) FOR CDCR INMATES WHO ARE PRESENTLY SERVING A DETERMINATE SHU TERM AND WHO HAVE: (1) IN-CUSTODY BEHAVIOR THAT REFLECTS A PROPENSITY TOWARDS DISRUPTIVE CONDUCT, REGARDLESS OF WHETHER THE INMATE

PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

ATTACHMENT TO PAGE 2, NO. 4, CONT.:

IS NOT ELIGIBLE FOR ADDITIONAL DETERMINATE SHU TERM ASSESSMENT; AND (2) BEEN ASSESSED THREE DETERMINATE SHU TERMS FOR ANY OFFENSE OR ASSESSED TWO DETERMINATE SHU TERMS FOR PARTICIPATION IN A RIOT, MELÉE, OR DISTURBANCE.

5. PETITIONER ALLEGES ON INFORMATION AND BELIEF, SINCE THE OPERATIVE DATE OF THE MEMORANDUM CDCR CLASSIFICATION PERSONNEL HAVE CONSISTENTLY AND/OR ROUTINELY USED THE MEMORANDUM'S LANGUAGE AS THE BASIS TO IMPOSE INDETERMINATE SHU STATUS ON CDCR INMATES WHO ARE IN THE PROCESS OF COMPLETING THEIR DETERMINATE SHU TERM AND PRESENTLY INELIGIBLE FOR FURTHER SHU TERM ASSESSMENT.

6. PETITIONER IS AN CDCR INMATE PRESENTLY CONFINED AT PELICAN BAY STATE PRISON (PBP), SECURITY HOUSING UNIT (SHU). PETITIONER WAS SERVING A DETERMINATE SHU TERM WITH AN EXPIRATION DATE OF JULY 02, 2007. ON MAY 02, 2007, CDCR-PBP CLASSIFICATION PERSONNEL RECOMMENDED THAT AN INDETERMINATE SHU TERM BE IMPOSED DUE TO PETITIONER HAVING PREVIOUSLY SUFFERED A TOTAL OF THREE DETERMINATE SHU TERMS OVER THE COURSE OF 18½ YEARS OF CDCR INCARCERATION. ON MAY 17, 2007, CDCR CLASSIFICATION PERSONNEL ENDORSED THE MAY 02, 2007 RECOMMENDATION FOR INDETERMINATE SHU TERM STATUS. ON JULY 02, 2007, PETITIONER BEGAN SERVING AN INDETERMINATE SHU TERM BASED UPON THE LANGUAGE CONTAINED IN THE MEMORANDUM.

7. CDCR PERSONNEL AT PBP HAVE DOCUMENTED THAT THE MEMORANDUM WAS USED TO IMPOSE PETITIONER'S INDETERMINATE SHU TERM. (PLEASE SEE EXHIBIT 'B.')

ATTACHMENT TO PAGE 2, NO. 5:

8. PETITIONER CONTENDS THE MEMORANDUM IS A REGULATION AS DEFINED BY CALIF. CIV. CODE § 11342.600 (2007) BECAUSE THOUGH THE MEMORANDUM IS DIRECTED TO CDCR PERSONNEL FROM MR. DUNCAN, THE MEMORANDUM IS A STATEWIDE STANDARD

PETITION TO THE OFFICE OF ADMINISTRATIVE LAWATTACHMENT TO PAGE 3, NR 5, CONT.:

OF GENERAL APPLICATION THAT DIRECTLY AFFECTS AND IMPACTS CDCR INMATES WHO ARE PRESENTLY SERVING DETERMINATE SHU TERMS AND WHO HAVE PREVIOUSLY SUFFERED: (1) THREE DETERMINATE SHU TERMS FOR ANY OFFENSE OR TWO DETERMINATE SHU TERMS FOR PARTICIPATION IN A RIOT, MELEE OR DISTURBANCE WHILE INCARCERATED ON THE SAME CDCR IDENTIFICATION NUMBER. ROTH V. DVA, (1990) 167 CAL. RPTC 152.

9. PETITIONER CONTENDS THAT THE MEMORANDUM PRESUMES THAT CDCR INMATES WHO ARE PRESENTLY SERVING A DETERMINATE SHU TERM AND WHO HAVE PREVIOUSLY SUFFERED: (1) THREE DETERMINATE SHU TERMS FOR ANY OFFENSE OR TWO DETERMINATE SHU TERMS FOR PARTICIPATION IN A RIOT, MELEE OR DISTURBANCE WHILE INCARCERATED ON THE SAME IDENTIFICATION NUMBER, ARE A PERCEIVED THREAT TO THE SAFETY OF OTHERS OR OF THE INSTITUTION AND THEREFORE CONTINUE TO POSE A THREAT THEREIN WARRANTING INDETERMINATE SHU STATUS.

IT IS SETTLED THAT AN INFORMAL RULE WHICH CREATES A PRESUMPTION IS A "REGULATION." UNION OF AMERICAN PHYSICIANS AND DENTISTS V. KEZER, (1990) 272 CAL. RPTC 836, 842.

10. PETITIONER CONTENDS THAT THE MEMORANDUM IMPLEMENTS, INTERPRETS, OR MAKES SPECIFIC THE LAW RELATED TO THE CAL. CODE OF REGULATIONS §§ 3339 (a), 3341.5 (c) AND 3341.5 (c) (3). THESE CCR TITLE 15 SUBSECTIONS DO NOT CONTAIN THE LANGUAGE THAT THE MEMORANDUM CONTAINS. IT ALSO SUPPLEMENTS THESE SECTIONS.

"TO THE EXTENT ANY OF THE CONTENTS OF THE [STATEMENT OF POLICY OR PROCEDURE] DEPART FROM, OR EMBELLISH UPON, EXPRESS STATUTORY AUTHORIZATION AND LANGUAGE, THE [AGENCY] WILL NEED TO PROMULGATE REGULATIONS."

ENGELMANN V. STATE Bd. OF EDUCATION, (1991) 3 CAL. RPTC 24 264.

THE MEMORANDUM GOES BEYOND THAT DESCRIBED IN CCR TITLE 15 §§ 3339 (a), 3341.5 (c) AND 3341.5 (c) (3) (2007) 24 104, AND AMOUNTS TO AN ADDITIONAL "REGULATION."



PETITION TO THE OFFICE OF ADMINISTRATIVE LAW

ATTACHMENT TO PAGE 2, NO. 5, CONT.:

11. PETITIONER CONTENDS THAT BECAUSE THE MEMORANDUM IS: (1) A STANDARD OF GENERAL APPLICATION AFFECTING THE ABILITY OF PRISONERS CONFINED IN THE SHU THROUGHOUT THE CALIFORNIA PRISON SYSTEM TO OBTAIN RELEASE FROM THE SHU UPON CONCLUSION OF THEIR DETERMINATE SHU TERM; (2) A PRESUMPTION THAT THE INMATE(S) ARE STILL A THREAT TO OTHERS OR THE INSTITUTION DUE STRICTLY TO PRIOR SHU TERM ASSESSMENTS; (3) A SUPPLEMENT TO EXISTING CCR TITLE 15 §§ 3339(a), 3341.5(c) AND 3341.5(l)(3) et seq.; AND (4) AN ATTEMPT TO IMPLEMENT, INTERPRET, OR MAKE SPECIFIC THE LAW ENFORCED OR ADMINISTERED BY THE CDCR, THE MEMORANDUM IS A "REGULATION" THAT MUST COMPLY WITH THE ADMINISTRATIVE PROCEDURES ACT (APA), AND THE MEMORANDUM DOES NOT MEET OR COME UNDER ANY EXPRESS STATUTORY EXEMPTIONS WHICH WOULD EXEMPT THE MEMORANDUM FROM APA COMPLIANCE.

ATTACHMENT TO PAGE 2, NO. 6:

12. THE PETITION RAISES AN ISSUE OF CONSIDERABLE PUBLIC IMPORTANCE REQUIRING PROMPT RESOLUTION BECAUSE: (1) MANY CDCR INMATES ARE SERVING INDETERMINATE SHU TERMS BASED UPON THE MEMORANDUM THAT IS NOT IN COMPLIANCE WITH THE APA; AND (2) IT IS ALWAYS IN THE PUBLIC INTEREST FOR PRISON OFFICIALS TO OBEY THE LAW. DURAN V. ANAYA, 642 F.SUPP. 510, 527 (D.N.M., 1986) "RESPECT FOR LAW, PARTICULARLY BY OFFICIALS RESPONSIBLE FOR THE ADMINISTRATION OF THE STATE'S CORRECTIONAL SYSTEM, IS IN ITSELF A MATTER OF THE HIGHEST PUBLIC INTEREST."

13. THE PUBLIC, AND INCLUDING CDCR INMATES, MUST HAVE THE OPPORTUNITY TO COMMENT ON THE MEMORANDUM DURING THE APA PROCESS.

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FOCKET NO.

, WALTER V. CDCR; PET. TO THE OAL

PAGE NO. 20

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2007-0917-04

AIR RESOURCES BOARD

On-board Incineration on Cruise Ship/Oceangoing

This regulatory action deals with limiting on-board incineration on cruise ships and oceangoing ships, including the establishment of new definitions and amending recordkeeping and reporting requirements.

Title 17

California Code of Regulations

AMEND: 93119

Filed 10/29/2007

Effective 11/28/2007

Agency Contact: Amy Whiting (916) 322-6533

File# 2007-0911-02

BOARD OF EDUCATION

American Indian Education Centers

This is the certification of compliance for an emergency action that adopted standards and procedures for the award of grants to American Indian Education Centers to provide community-based educational resources to American Indian pupils and parents.

Title 5

California Code of Regulations

ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11

Filed 10/24/2007

Agency Contact: Debra Strain (916) 319-0860

File# 2007-0917-02

BOARD OF FORESTRY AND FIRE PROTECTION

Watershed with T or I Values Extension 2007

This action will extend the effective period of forest practice rules for the protection of threatened or impaired watersheds that were first effective on July 1, 2000, continuing them in force without change until December 31, 2008.

Title 14

California Code of Regulations

AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9

Filed 10/24/2007

Effective 01/01/2008

Agency Contact: George Gentry (916) 653-8031

File# 2007-0918-02

BOARD OF PHARMACY

Notice to Consumers

This regulatory action deals with the "Notice to Consumers".

Title 16

California Code of Regulations

AMEND: 1707.2

Filed 10/31/2007

Effective 11/30/2007

Agency Contact: Anne Sodergren (916) 445-5014

File# 2007-1005-04

CALIFORNIA HORSE RACING BOARD

Term of License

This regulatory action adds backstretch event personnel to the class of licenses the term of which expires on the last day of the year in which the license is issued and are automatically extended to expire on the last day of the birth month of the licensee.

Title 4

California Code of Regulations

AMEND: 1486

Filed 10/24/2007

Effective 11/23/2007

Agency Contact: Harold Coburn (916) 263-6397

File# 2007-1005-03

CALIFORNIA HORSE RACING BOARD

Mule Racing

This regulatory action adopts two new sections which provide that (1) mule racing rules in this article shall apply to mule races in addition to the other rules in this division and that (2) a mule that is not shod is eligible to start in a race.

Title 4

California Code of Regulations

ADOPT: 1747, 1748

Filed 10/25/2007

Effective 11/24/2007

Agency Contact: Harold Coburn (916) 263-6397



File# 2007-1026-05

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Diaprepes Root Weevil Interior Quarantine**

This action makes small additions to two areas in San Diego County quarantined to help prevent the spread of the pest Diaprepes Root Weevil.

## Title 3

California Code of Regulations

AMEND: 3433(b)

Filed 10/29/2007

Effective 10/29/2007

Agency Contact: Stephen Brown (916) 654-1017

File# 2007-1026-04

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Mediterranean Fruit Fly Interior Quarantine**

In this emergency regulatory action, the Department of Food and Agriculture amends its regulation pertaining to the "Mediterranean Fruit Fly Interior Quarantine" to add a new quarantine area in the Rolling Hills area of Los Angeles County.

## Title 3

California Code of Regulations

AMEND: 3406(b)

Filed 10/29/2007

Effective 10/29/2007

Agency Contact: Stephen Brown (916) 654-1017

File# 2007-0924-03

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Light Brown Apple Moth Eradication Area**

This is the certification of four emergency files (07-0330-01; 07-0419-02; 07-0420-05; and, 07-0604-03). It establishes Marin, Monterey, Napa, San Francisco, San Mateo, Santa Clara and Santa Cruz counties as eradication areas with respect to the light brown apple moth (*Epiphyas postvittana*). It provides authority for the State to conduct eradication activities in those counties.

## Title 3

California Code of Regulations

AMEND: 3591.20 (a &amp; b)

Filed 10/25/2007

Agency Contact: Stephen Brown (916) 654-1017

File# 2007-0920-01

**DEPARTMENT OF INSURANCE**  
**Workers' Compensation Pure Premium Rates**

This action updates the California Workers' Compensation Uniform Statistical Reporting Plan — 1995 and the California Workers' Compensation Experience Rating Plan — 1995.

## Title 10

California Code of Regulations

AMEND: 2318.6, 2353.1

Filed 10/31/2007

Effective 07/01/2007

Agency Contact:

Christopher A. Citko

(916) 492-3187

File# 2007-1012-04

**FAIR POLITICAL PRACTICES COMMISSION**  
**Definitions of "Section" and "Regulation"**

The Fair Political Practices Commission is adopting section 18200, title 2, California Code of Regulations. The adoption is entitled "Section and Regulation."

## Title 2

California Code of Regulations

ADOPT: 18200

Filed 10/31/2007

Agency Contact:

Virginia Latteri-Lopez

(916) 322-5660

File# 2007-1017-03

**FISH AND GAME COMMISSION**  
**Canvasback Hunting Regulations**

The regulatory action increases the daily bag and possession limit for canvasback ducks from one a day to two a day during the statewide duck hunting season. This regulatory action is effective upon filing pursuant to Fish and Game Code section 355.

## Title 14

California Code of Regulations

AMEND: 502

Filed 10/25/2007

Effective 10/25/2007

Agency Contact: Jon Snellstrom (916) 653-4899

File# 2007-0924-05

**OCCUPATIONAL SAFETY AND HEALTH**  
**STANDARDS BOARD****Carcinogen Report of Use of Requirements for Chromium VI**

Occupational Safety and Health Standards Board proposes amendment to Title 8 regulations to establish, pursuant to Labor Code § 9030, reporting requirements that set forth conditions for chromium (VI) users in the general, construction, and ship building, repair, and breaking industries to report such use to the Division of Occupational Safety and Health.

## Title 8

California Code of Regulations

AMEND: 1532.2, 5203, 5206, 8359

Filed 10/30/2007

Effective 11/29/2007

Agency Contact: Michael Manieri (916) 274-5721

File# 2007-0924-04

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

**Pneumatically-Driven Nailers and Staplers**

This regulatory action deals with Pneumatically-Driven Nailers and Staplers.

Title 8

California Code of Regulations

AMEND: 1704

Filed 10/31/2007

Effective 11/30/2007

Agency Contact: Michael Manieri (916) 274-5721

File# 2007-0919-01

**OFFICE OF THE STATE FIRE MARSHAL**

**Pipeline Safety Fees**

In this regulatory action, the State Fire Marshal amends its regulation setting forth pipeline safety fees to revise its annual fiscal year fees applicable to intra-state pipelines and interstate pipelines, pursuant to the fee authority contained in Government Code sections 51019 and 51019.05.

Title 19

California Code of Regulations

AMEND: 2040

Filed 10/31/2007

Effective 07/01/2008

Agency Contact: Diane Arend (916) 324-9592

File# 2007-0917-03

**STATE CONTROLLER'S OFFICE**

**Change in Filing Estate Tax Filing Requirements and Interest Charged**

This regulatory action makes amendments to comply with recent statutory changes regarding the requirement to file a California Estate Tax Return and the interest charged on delinquent payments. Effective January 1, 2005, the state death credit has been eliminated. Consequently, the filing of a California Estate Tax Return is no longer required. The interest on delinquent estate tax payments is changed from 12 percent per annum to the same rate charged pursuant to Internal Revenue Code section 6621(a)(2), as required by Revenue & Taxation Code section 13550.

Title 2

California Code of Regulations

AMEND: 1138.10, 1138.30, 1138.72, 1138.90

Filed 10/30/2007

Effective 11/29/2007

Agency Contact: Michael Coleman (916) 445-5469

File# 2007-0914-02

**STATE TEACHERS RETIREMENT SYSTEM  
Prohibition of Certain Campaign Contributions**

This action limits campaign contributions to specified employees, officers, and board members of the California State Teachers' Retirement System (CSTRS) by non-governmental contributors during a twelve month window of the contributor seeking an "Investment Relationship" with CSTRS.

Title 5

California Code of Regulations

ADOPT: 24010, 24011, 24012, 24013

Filed 10/29/2007

Effective 11/28/2007

Agency Contact:

Robert Van Der Volgen

(916) 229-3781

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN MAY 30, 2007 TO  
OCTOBER 31, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

07/09/07 AMEND: 270

06/28/07 AMEND: 2616

**Title 2**

10/31/07 ADOPT: 18200

10/30/07 AMEND: 1138.10, 1138.30, 1138.72, 1138.90

10/17/07 ADOPT: 2970

10/15/07 ADOPT: 2291, 2292, 2293, 2294, 2295, 2296

10/09/07 AMEND: 1896.98, 1896.99.100, 1896.99.120

10/03/07 ADOPT: 1859.167.2, 1859.167.3  
AMEND: 1859.2, 1859.163.3, 1859.167  
REPEAL: 1859.167.1

10/01/07 ADOPT: 1859.71.6, 1859.77.4 AMEND: 1859.2

09/24/07 ADOPT: 18420.5

09/24/07 ADOPT: 18361 AMEND: 18360, 18361.7

09/20/07 ADOPT: 18466

09/20/07 REPEAL: 18530.9

09/11/07 ADOPT: 18440

09/10/07 AMEND: 1183.13

09/04/07 ADOPT: 54700

08/31/07 ADOPT: 1859.180, 1859.181, 1859.182, 1859.183, 1859.184, Form SAB 50–11  
AMEND: 1859.2, 1859.51, 1859.61, 1859.75.1, 1859.81, 1859.81.1, 1859.81.2, 1859.103, 1859.104, 1859.202, 1866, Form SAB 50–04, Form SAB 50–06

08/31/07 AMEND: 18109, 18204.5, 18208.5, 18215.2, 18228, 18236, 18241, 18306, 18315, 18323, 18325, 18350, 18404.2, 18410, 18416, 18429, 18432, 18438, 18457, 18500, 18502, 18502.1, 18502.2, 18519.4, 18522, 18526.1, 18530.1, 18531.1, 18531.3, 18531.4, 18532, 18536.1, 18536.2, 18538, 18538.2, 18541, 18564, 18573, 18580, 18585, 18586, 18587, 18588, 18590, 18616.5, 18618, 18619, 18620, 18621, 18622, 18626, 18650, 18700.1, 18702.6, 18704.3, 18707.3, 18720, 18725, 18726, 18726.1, 18726.2, 18726.3, 18726.4, 18726.5, 18726.6, 18726.7, 18726.8, 18727, 18760, 18902, 18930.1, 18931, 18935, 18940.1, 18950.2, 18954

08/03/07 AMEND: 58800

08/02/07 ADOPT: 1700

07/18/07 AMEND: 1859.2, 1859.51, 1859.61, 1859.81, 1859.202, 1866

07/18/07 AMEND: 18361.2, 18361.4

07/18/07 ADOPT: 7288.0, AMEND: 7288.0, 7288.1, 7288.2, 7288.3

07/17/07 AMEND: 1859.2

07/02/07 ADOPT: 18531.62 AMEND: 18544, 18545

07/02/07 ADOPT: 1859.302, 1859.324.1, 1859.330 AMEND: 1859.302, 1859.318, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.326, 1859.328, 1859.329

06/20/07 ADOPT: 1859.106.1 AMEND: 1859.106

06/15/07 AMEND: div. 8, ch. 111, sec. 59560

06/13/07 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80  
REPEAL: 20108.37

### **Title 3**

10/29/07 AMEND: 3433(b)

10/29/07 AMEND: 3406(b)

10/25/07 AMEND: 3591.20 (a & b)

10/15/07 AMEND: 3406(b)

10/03/07 AMEND: 3433(b)

09/28/07 AMEND: 3434(b)

09/25/07 AMEND: 3591.2(a)

09/24/07 ADOPT: 3591.20

09/19/07 AMEND: 3700(c)

09/17/07 AMEND: 3406(b)

09/12/07 AMEND: 3700(c)

09/11/07 AMEND: 3591.5(a)

09/11/07 AMEND: 3433(b)

09/10/07 ADOPT: 1391, 1391.1

09/05/07 ADOPT: 820.2, 820.7 AMEND: 820, 820.3, 820.4, 820.5, 820.6, 820.7  
REPEAL: 820.6

08/21/07 AMEND: 3434

08/10/07 ADOPT: 3152

07/24/07 AMEND: 3591.6(a)(1)

07/23/07 AMEND: 3589(a)

07/20/07 AMEND: 3591.6(a)(1)

07/20/07 AMEND: 3423(b)

07/18/07 AMEND: 3434(b)

07/13/07 AMEND: 3591.20(a)

07/09/07 AMEND: 3433(b)

07/06/07 AMEND: 3591.2(a)

07/06/07 AMEND: 3589(a)

06/21/07 AMEND: 3434(b), 3434(c)

06/13/07 ADOPT: 6739 AMEND: 6000, 6720, 6738, 6793

06/07/07 AMEND: 3434(b)

06/06/07 AMEND: 3434(b)

06/05/07 AMEND: 3591.20(a)

05/31/07 ADOPT: 900, 900.1, 900.2, 901.5, 901.8, 901.9, 901.10, 901.11, 902, 902.1, 902.3, 902.4, 902.5, 902.6, 902.7, 902.8, 902.9, 902.10, 902.11, 902.12, 902.13, 902.14, 903, 903.1, 903.2, 903.3, 903.4, 903.5, 903.6, 903.7, 903.8, 903.9, 903.10, 903.11, 903.12

### **Title 4**

10/25/07 ADOPT: 1747, 1748

10/24/07 AMEND: 1486

09/20/07 AMEND: 1844

09/04/07 AMEND: 12205.1, 12225.1

05/30/07 AMEND: 1481

### **Title 5**

10/29/07 ADOPT: 24010, 24011, 24012, 24013

10/24/07 ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6,

	11996.7, 11996.8, 11996.9, 11996.10, 11996.11		55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161, 58161.5 AMEND: 55000, 55000.5, 55002, 55002.5, 55005, 55006, 55250, 55250.2, 55250.3, 55250.4, 55250.6, 55250.7, 55252, 55253, 55256, 55257, 55500, 55502, 55510, 55514, 55518, 55521, 55523, 55530, 55600, 55601, 55602.5, 55605, 55630, 55700, 55701, 55702, 55720, 55732, 56029, 58003.1, 58007, 58009, 58051 REPEAL: 55004, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806, 55807, 55808, 55809, 55825, 55827, 55828, 55829, 55830, 55831, 55840, 55841, 58161
10/02/07	AMEND: 80001		
10/01/07	AMEND: 43726		
09/24/07	ADOPT: 17604.1, 17605.1, 17624, 17630.1, 17638, 17639, 17643, 17644, 17650 AMEND : 17600, 17601, 17602, 17603, 17604, 17605, 17606, 17607, 17608, 17609, 17625, 17626, 17627, 17628, 17629, 17630.2, 17631, 17632, 17640, 17641, 17642, 17646, 17648 REPEAL: 17633, 17634, 17645, 17647, 17649		
09/10/07	ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854		
08/27/07	ADOPT: 9517.2		
08/23/07	AMEND: 42000, 42002, 42003, 42005, 42006, 42007, 42008, 42009, 42010, 42011, 42012, 42013, 42018, 42019		
08/16/07	ADOPT: 18096 AMEND: 18078, 18081, 18084, 18085, 18089, 18090, 18100, 18107		
08/13/07	ADOPT: 17660, 17661, 17662, 17663, 17664, 17665, 17666, 17667		
08/09/07	AMEND: 80124, 80125		
07/31/07	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7		
07/27/07	AMEND: 50500		
07/20/07	ADOPT: 58520	07/17/07	AMEND: 58704, 58770, 587714, 58774, 58776, 58777 REPEAL: 58785
07/17/07	ADOPT: 52000, 52010, 55003, 55007, 55020, 55021, 55022, 55023, 55024, 55025, 55030, 55031, 55032, 55033, 55034, 55035, 55040, 55041, 55042, 55043, 55044, 55050, 55051, 55052, 55060, 55061, 55062, 55063, 55064, 55070, 55072, 55080, 55100, 55130, 55150, 55151, 55151.5, 55151.7, 55160, 55170, 55182, 55183, 55200, 55201, 55202, 55205, 55207, 55209, 55211, 55213, 55215, 55217, 55219, 55230, 55231, 55232, 55233, 55234, 55235, 55236, 55240, 55241, 55242, 55243, 55245, 55300, 55316, 55316.5, 55320, 55321, 55322, 55340, 55350, 55400, 55401, 55402, 55403, 55404, 55405, 55450, 55451, 55603, 55607, 55750, 55751, 55752, 55753, 55753.5, 55753.7, 55754, 55755, 55756, 55756.5, 55757, 55758, 55758.5, 55759, 55760, 55761, 55762, 55763, 55764, 55765, 55800, 55800.5, 55801, 55805, 55805.5, 55806,	06/05/07	AMEND: 19802
		06/04/07	ADOPT: 11996, 11996.1, 11996.2, 11996.3, 11996.4, 11996.5, 11996.6, 11996.7, 11996.8, 11996.9, 11996.10, 11996.11
		06/01/07	REPEAL: 41916
		05/30/07	ADOPT: 30920, 30921, 30922, 30923, 30924, 30925, 30926, 30927
		<b>Title 8</b>	
		10/31/07	AMEND: 1704
		10/30/07	AMEND: 1532.2, 5203, 5206, 8359
		10/23/07	ADOPT: 3324
		10/10/07	ADOPT: 5349, 5350, 5351, 5352, 5353, 5354, 5355.1 AMEND: 5355, 5356, 5357, 5358
		10/10/07	AMEND: 4884
		10/09/07	AMEND: 2320.2
		10/03/07	ADOPT: 3458.1
		08/22/07	AMEND: 14300.10, 14300.12, 14300.29, 14300.46

08/21/07	AMEND: 1740	2105.10, 2105.11, 2105.12, 2105.13,
07/23/07	ADOPT: 32993 AMEND: 32990, 32992, 32994, 32995, 32996, 32997 REPEAL: 32991, 32993	2105.14, 2105.15, 2105.16, 2105.17, 2105.18, 2105.19
06/19/07	AMEND: 212.01	08/13/07 ADOPT: 5357, 5357.1, 5357.2, 5358, 5358.1 AMEND: 5350, 5352
06/15/07	ADOPT: 9792.20, 9792.21, 9792.22, 9792.23	07/31/07 AMEND: 2699.205, 2699.6600, 2699.6607, 2699.6608, 2699.6613, 2699.6629, 2699.6813
06/07/07	ADOPT: 9792.11, 9792.12, 9792.13, 9792.14, 9792.15	07/26/07 ADOPT: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.4, 2359.5, 2359.6, 2359.7 REPEAL: 2555, 2555.1, 2556, 2556.1, 2556.2
06/01/07	AMEND: 4543	07/09/07 AMEND: 260.140.8, 260.140.41, 260.140.42, 260.140.45, 260.140.46
<b>Title 9</b>		06/28/07 AMEND: 2498.4.9
08/27/07	AMEND: 7128	06/28/07 AMEND: 2498.4.9
08/23/07	ADOPT: 3100, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3200.170, 3200.180, 3200.190, 3200.210, 3200.220, 3200.230, 3200.240, 3200.250, 3200.260, 3200.270, 3200.280, 3200.300, 3200.310, 3300, 3310, 3315, 3320, 3350, 3360, 3400, 3410, 3500, 3505, 3510, 3520, 3530, 3530.10, 3530.20, 3530.30, 3530.40, 3540, 3610, 3615, 3620, 3620.05, 3620.10, 3630, 3640, 3650 REPEAL: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	06/28/07 AMEND: 2498.6
06/12/07	AMEND: 10501, 10508, 10511, 10515, 10518, 10522, 10524, 10527, 10529, 10532, 10533, 10545, 10547, 10550, 10561, 10568, 10606, 10608, 10609, 10613, 10615, 10620, 10626, 10630	06/28/07 AMEND: 2498.5
<b>Title 10</b>		06/28/07 AMEND: 2498.4.9
10/31/07	AMEND: 2318.6, 2353.1	06/28/07 AMEND: 2498.6
10/10/07	AMEND: 2498.6	06/28/07 AMEND: 2498.5
10/10/07	AMEND: 2218.63(b)	06/28/07 AMEND: 2498.4.9
10/09/07	AMEND: 5.2001	06/28/07 AMEND: 2498.6
09/19/07	ADOPT: 2538.1, 2538.2, 2538.3, 2538.4, 2538.5, 2538.6, 2538.7, 2538.8	06/28/07 AMEND: 2498.6
09/17/07	AMEND: 2498.6	06/28/07 AMEND: 2498.6
08/29/07	ADOPT: 2842 AMEND: 2848	06/28/07 AMEND: 2498.6
08/29/07	ADOPT: 3007.05, 3007.2 AMEND: 2805, 2809.3, 2840, 2849.01, 3005, 3006, 3007.3, 3011.4 REPEAL: 2840.1	06/28/07 AMEND: 2498.4.9
08/20/07	ADOPT: 2105.1, 2105.2, 2105.3, 2105.4, 2105.5, 2105.6, 2105.7, 2105.8, 2105.9,	06/28/07 AMEND: 2498.5
<b>Title 11</b>		10/15/07 AMEND: 1053, 1054, 1055, 1058, 1070
		09/28/07 AMEND: 51.19
		08/08/07 AMEND: 1005, 1007, 1008
		08/01/07 AMEND: 1070, 1081, 1082
		08/01/07 AMEND: 1070, 1081, 1082
		07/31/07 ADOPT: 999.100, 999.101, 999.102, 999.108, 999.114, 999.115, 999.121, 999.122, 999.128, 999.129, 999.130, 999.131, 999.132, 999.133, 999.134, 999.135, 999.136, 999.137, 999.138, 999.139, 999.140, 999.141, 999.142, 999.143, 999.144, 999.145, 999.146, 999.147, 999.148, 999.149, 999.150, 999.151, 999.152, 999.153, 999.154, 999.165, 999.166, 999.167, 999.168,



	999.169, 999.170, 999.171, 999.172, 999.173, 999.174, 999.175, 999.176, 999.177, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.194, 999.195, 999.196, 999.197, 999.203, 999.204, 999.205, 999.206, 999.207, 999.208, 999.209, 999.210, 999.211, 999.217, 999.218, 999.219, 999.220, 999.221, 999.222, 999.223	07/13/07	AMEND: 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610 REPEAL: 2611
		07/13/07	AMEND: 330.08
		07/11/07	ADOPT: 150.08
		07/09/07	AMEND: 225.18, 225.39, 225.45, 225.54 and 225.63
		06/29/07	AMEND: 181.00
		<b>Title 13, 17</b>	
06/08/07	ADOPT: 9020 REPEAL: 1019	09/12/07	ADOPT: 93116.3.1 of title 17 AMEND: 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, and 2462 of title 13, 93116.1, 93116.2, and 93116.3 of title 17
06/08/07	AMEND: 9072		
06/06/07	AMEND: 1010 (renumber to 9030 to new Chapter 3)	06/15/07	AMEND: Title 13, 1969, Title 17, 60060.2, 60060.11, 60060.15, 60060.16, 60060.17, 60060.18, 60060.22, 60060.29, 60060.32, 60060.33, 60060.34
06/04/07	AMEND: 1081		
06/01/07	AMEND: 1005, 1007, 1008		
06/01/07	ADOPT: 999.6, 999.7, 999.8		
<b>Title 13</b>		<b>Title 14</b>	
10/23/07	AMEND: 156.00	10/25/07	AMEND: 502
10/22/07	AMEND: 1090	10/24/07	AMEND: 895.1, 898, 914.8, 916, 916.2, 916.9, 916.11, 916.12, 923.3, 923.9, 934.8, 936, 936.2, 936.9, 936.11, 936.12, 943.3, 943.9, 954.8, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9
10/17/07	AMEND: 811, 813	10/16/07	ADOPT: 1.46, 28.38, 28.41, 28.42 AMEND: 1.17, 1.59, 27.60, 27.90, 28.59, 159, 195
10/16/07	AMEND: 425.01		
10/15/07	AMEND: 2023.1, 2023.3, 2023.4	10/12/07	AMEND: 815.05
10/12/07	AMEND: 1201, 1212, 1212.5, 1213, 1234	10/09/07	AMEND: 29.85
09/18/07	AMEND: 125.02, 125.04, 125.08, 125.12, 125.16, 125.20	09/19/07	AMEND: 502, 509
09/11/07	AMEND: 1956.1, 1956.8	08/29/07	AMEND: 251.7, 257, 300, 600
08/22/07	ADOPT: 1300, 1400, 1401, 1402, 1403, 1404, 1405 REPEAL: 1300, 1301, 1302, 1303, 1304, 1304.1, 1305, 1310, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1324, 1325, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1339.1, 1339.2, 1339.3, 1339.4, 1339.5, 1339.6, 1340, 1341, 1342, 1343, 1344, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1370, 1371, 1372, 1373, 1374, 1375, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1420, 1421, 1422, 1423, 1424, 1425, and Article 15 text	08/22/07	AMEND: 165, 245—App. A, 632
		07/30/07	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5
		07/27/07	ADOPT: 15155, 15190.5, 15191, 15192, 15193, 15194, 15195, 15196, AMEND: 15053, 15061, 15062, 15072, 15073, 15074, 15082, 15087, 15105, 15179, 15180, 15186 REPEAL: 15083.5
		07/19/07	AMEND: 4970.50
		07/17/07	AMEND: 2305, 2310, 2320
		07/10/07	AMEND: 4970.50, 4970.53, 4970.55, 4970.62, 4970.63, 4970.64
		06/21/07	ADOPT: 2850 AMEND: 2090, 2425, 2530 REPEAL: 2850
		06/21/07	AMEND: 7.50(b)(91.1)
08/21/07	AMEND: 932, 934.1	06/20/07	AMEND: 3696.5
08/07/07	AMEND: 794	06/18/07	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867
07/25/07	AMEND: 156.00	06/11/07	ADOPT: 721
07/16/07	AMEND: 2111, 2112, 2411, 2412, 2413, 2415	06/08/07	ADOPT: 2880

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10/17/07 Title 14: 18050, 18051, 18060, 18070, 18072, 18075, 18077, 18078, 18081, 18104.4, 18105.4, 18105.6, 18209, 18304, 18304.2, 18306, 18307, 18831  
Title 27: 21563, 21615, 21620, 21650, 21680

07/10/07 AMEND: 4114  
07/03/07 ADOPT: 4152.1  
06/22/07 AMEND: 1399.170.11  
06/20/07 AMEND: 3303.1  
06/15/07 AMEND: 2070, 2071  
06/12/07 AMEND: 1325, 1339, 1344, 1350.3, 1355.35  
05/30/07 ADOPT: 980.2, 980.3 AMEND: 980.1

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10/22/07 REPEAL: 3999.1.8, 3999.1.9, 3999.1.10, 3999.1.11  
10/18/07 ADOPT: 3486 AMEND: 3482, 3484, 3485  
10/16/07 AMEND: 3000, 3045.2, 3170.1, 3176, 3177, 3815  
10/09/07 ADOPT: 2536.1  
10/01/07 ADOPT: 3075.4 AMEND: 3000  
09/05/07 AMEND: 3000, 3315, 3323, 3341.5  
08/13/07 AMEND: 3190, 3191  
06/26/07 ADOPT: 4034.0, 4034.1, 4034.2, 4034.3, 4034.4, 4036 REPEAL: 4040  
06/18/07 ADOPT: 1363 AMEND: 1300, 1302, 1303, 1304, 1311, 1312, 1314, 1320, 1321, 1323, 1324, 1325, 1340, 1341, 1342, 1343, 1350, 1353, 1357, 1360, 1361, 1370, 1374, 1375, 1377, 1378, 1390, 1407, 1437, 1438, 1439, 1450, 1461, 1462, 1480, 1501  
06/05/07 ADOPT: 3999.5

**Title 16**

10/31/07 AMEND: 1707.2  
10/05/07 AMEND: 306, 306.1, 310, 390, 390.2, 390.3, 390.4, 390.5  
10/04/07 AMEND: 1399.678  
10/01/07 AMEND: 3394.6  
09/20/07 AMEND: 2649  
09/17/07 ADOPT: 973, 973.1, 973.2, 973.3, 973.4, 973.5, 973.6  
09/11/07 AMEND: 950.10  
09/11/07 ADOPT: 2520.4, 2520.5, 2577.5, 2577.6 AMEND: 2518.6, 2523, 2523.2, 2523.5, 2523.6, 2576.6, 2579.2, 2579.4, 2579.7, 2579.8 REPEAL: 2523.1, 2579.3  
08/28/07 ADOPT: 1351.1  
08/28/07 ADOPT: 1315.03, 1326 AMEND: 1325.4  
08/03/07 AMEND: 1399.541  
08/03/07 AMEND: 2036, 2036.5  
08/01/07 AMEND: 3340.16, 3340.42, 3392.2  
07/16/07 AMEND: 2670  
07/12/07 AMEND: 160  
07/11/07 AMEND: 68.3, 68.4, 88, 88.1, 88.2, 89, 99

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10/29/07 AMEND: 93119  
09/24/07 ADOPT: 93102.1, 93102.2, 93102.3, 93102.4, 93102.5, 93102.6, 93102.7, 93102.8, 93102.9, 93102.10, 93102.11, 93102.12, 93102.13, 93102.14, 93102.15, and 93102.16 AMEND: 93102  
09/18/07 ADOPT: 93115.1, 93115.2, 93115.3, 93115.4, 93115.5, 93115.6, 93115.7, 93115.8, 93115.9, 93115.10, 93115.11, 93115.12, 93115.13, 93115.14, 93115.15 AMEND: 93115  
08/28/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77  
08/27/07 AMEND: 93300.5  
08/08/07 ADOPT: 94201.1 AMEND: 94201, 94202, 94203, 94204, 94207, 94208, 94209, 94210, 94211, 94212  
07/30/07 AMEND: 2500, 2502, 2505  
07/24/07 ADOPT: 100085  
07/11/07 AMEND: 30315.33, 30316.60, 30317, 30319.20  
06/27/07 AMEND: 54342  
06/26/07 AMEND: 60201, 60202, 60205, 60210  
06/14/07 ADOPT: 100300, 100301, 100302, 100303, 100304, 100305, 100306, 100308, 100309, 100310

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07/30/07 AMEND: 1591.2  
07/30/07 AMEND: 1591  
07/30/07 AMEND: 1591.4  
07/26/07 AMEND: 1586  
07/16/07 AMEND: 1603  
07/10/07 AMEND: 1660  
07/02/07 AMEND: 17952  
06/20/07 ADOPT: 25137-14  
06/05/07 AMEND: 1668  
06/04/07 ADOPT: 1671.1

**Title 19**

10/31/07 AMEND: 2040

10/01/07	AMEND: 2600	<b>Title 22, MPP</b>	
<b>Title 20</b>		08/07/07	ADOPT: 86500, 86501, 86505, 86505.1, 86506, 86507, 86508, 86509, 86510, 86511, 86512, 86517, 86518, 86519, 86519.1, 86519.2, 86520, 86521, 86522, 86523, 86524, 86526, 86527, 86528, 86529, 86531, 86531.1, 86531.2, 86534, 86535, 86536, 86540, 86542, 86544, 86545, 86546, 86552, 86553, 86554, 86555, 86555.1, 86558, 86559, 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, 86580, 86586, 86587, 86587.1, 86587.2, 86588
10/16/07	ADOPT: 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913		AMEND: 11-400c, 11-402, 45-101(c), 45-202.5, 45-203.4, 45-301.1
08/22/07	AMEND: 1602, 1604, 1606, 1607	<b>Title 23</b>	
07/03/07	ADOPT: 1233.5, 1234, 1236.5, 1311, 1346, 1349, 2508 AMEND: 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1341, 1342, 1343, 1344, 1345, 1347, 1348, 1350, 1351, 2501, 2502, 2503, 2504, 2505, 2506, 2507 REPEAL: 1340	09/04/07	AMEND: 2053
06/11/07	AMEND: 4.1	08/27/07	AMEND: 2200, 2200.2, 2200.3, 2200.4, 2200.6 REPEAL: 2201
<b>Title 22</b>		08/21/07	ADOPT: 3979.2
10/23/07	AMEND: 4400, 4409.1, 4415 REPEAL: 4440.1	08/20/07	ADOPT: 3979.3
10/18/07	AMEND: 67391.1	08/16/07	ADOPT: 3939.26
10/16/07	AMEND: 10100 REPEAL: 10101	08/15/07	AMEND: 3939.10
10/03/07	AMEND: 67386.5, 67386.6, 67386.11	08/14/07	ADOPT: 3939.25
09/18/07	ADOPT: 64432.3, 64432.8 AMEND: 64413.1, 64431, 64432, 64447.2, 64463.1, 64465, 64481 REPEAL: 64450	08/09/07	ADOPT: 3949.4
09/06/07	ADOPT: 66270.69.2 AMEND: 66270.67 (renumber to 66270.69.5), 66270.69 (renumber to 66270.69.1), 67800.1 (renumber to 66270.69.3), 67800.5 (renumber to 66270.69.4)	08/02/07	ADOPT: 3967
09/05/07	AMEND: 4427	06/27/07	ADOPT: 3002
08/31/07	AMEND: 12805	06/19/07	ADOPT: 3949.3
08/08/07	ADOPT: 96040, 96041, 96042, 96043, 96044, 96045, 96046, 96050 AMEND: 96000	<b>Title 25</b>	
07/18/07	AMEND: 4401.5 REPEAL: 4401, 4402, 4432, 4441	07/06/07	AMEND: 5060, 5061, 5062, 5064, 5520, 5521, 5530, 5540.1, 5575
07/18/07	ADOPT: 69109 AMEND: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107, 69108	<b>Title 27</b>	
07/16/07	ADOPT: 50966 AMEND: 50961, 50962	08/21/07	ADOPT: 20939 AMEND: 20918, 20919, 20920, 20921, 20923, 20925, 20931, 20932, 20933, 20934, 20937 REPEAL: 20919.5
06/18/07	ADOPT: 67386.5, 67386.6, 67386.7, 67386.8, 67386.9, 67386.10, 67386.11, 67386.12 AMEND: 66261.9.5, Appendix XII, 67386.1, 67386.2, 67386.3, 67386.4	<b>Title MPP</b>	
		07/30/07	AMEND: 47-201, 47-401
		06/26/07	AMEND: 40-118, 43-103, 44-209, 80-301, 82-808
		06/25/07	AMEND: 47-110 and 47-301